United Nations **AT**

Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 751

Case No. 690: SA'ADIYEH

Against: The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Samar Sen, President; Mr. Hubert Thierry, Vice-President; Mr. Francis Spain;

Whereas, on 24 December 1994, Muwaffaq Mahmoud Sa'adiyeh, a staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as "UNRWA"), submitted an application requesting the Tribunal, under article 12 of the Statute of the Tribunal, with regard to its Judgement No. 648 of 20 July 1994, "to hold that Judgement No. 648 should be enforced by payment of compensation in United States dollars at the rate available at the date of the Applicant's separation, including due interest". [It was this currency and this rate which were applied for the termination indemnity paid to the Applicant.]

Whereas the Respondent filed his answer on 10 March 1995;

Whereas the Applicant filed written observations on 19 April 1995;

Whereas the facts of the case were set out in Judgement No. 648;

Whereas the Applicant's principal contentions are:

1. The amount awarded to the Applicant by the Tribunal was by way of compensation and should therefore be paid in United States dollars.

2. Since the termination pay and the termination indemnity owing to the Applicant were paid in United States dollars, the compensation granted by the Tribunal should also be paid in that currency.

Whereas the Respondent's principal contentions are:

1. The Applicant has not identified, under article 12 of the Statute of the Tribunal, any fact of which the Tribunal was not aware at the time it rendered its judgement, much less a fact "of a decisive nature".

2. The rate of the Applicant's salary is clearly identifiable under the statutory rules and the Applicant's letter of appointment, and it is equally clear that his salary was payable in Syrian pounds and not in United States dollars.

The Tribunal, having deliberated from 2 to 16 July 1996, now pronounces the following judgement:

I. The Applicant's claim is based on article 12 of the Statute of the Tribunal, which provides that an application may be made for a revision of a judgement on the basis of the discovery of some fact "of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision".

The Applicant does not identify, in this instance, any new fact within the meaning of article 12 of the Statute of the Tribunal of such a nature as to give rise to the revision of

Judgement No. 648 of 20 July 1994, which ordered the Respondent to:

(a) Pay to the Applicant his net base salary, at the rate in effect on the date of his separation, from the date of his separation until his reappointment;

(b) Pay to the Applicant by way of further damages four months' net base salary, at the rate in effect on the date of his separation;

The application is therefore not receivable.

II. The Tribunal also notes, for whatever purpose it may serve, that the above-mentioned terms of paragraph XXII of Judgement No. 648 should not be interpreted as entitling the Applicant to the payment of compensation in a currency other than that in which his salary was paid, i.e., in this case, the Syrian pound.

III. The application is rejected.

(Signatures)

Samar SEN
President

Hubert THIERRY
Vice-President

Francis SPAIN
Member

Geneva, 16 July 1996

R. Maria VICIEN-MILBURN
Executive Secretary